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APPLICATION NO.	APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,526	10/664,526 09/17/2003		Robert J. Apel	DOM1091-203	4289
8698	7590	10/17/2005		EXAMINER	
STANDLE 495 METRO		GROUP LLP	GARRETT, ERIKA P		
SUITE 210	LINCE	500111	ART UNIT	PAPER NUMBER	
DUBLIN, C	H 4301	7	3636		

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination						
	10/664,526		APEL, ROBERT J.						
	10/004,020		Art Unit						
	Erika Garrett		3636						
Document Code - AP.PRE.	DEC			* * * * * * * * * * * * * * * * * * * *					
Notice of Panel Decision from Pre-Appeal Brief Review									
This is in response to the Pre-Appeal Brief Request for Review filed <u>9/22/05</u> .									
 Improper Request – The Request is improper and a conference will not be held for the following reason(s): 									
 ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request. ☐ The request does not include reasons why a review is appropriate. ☐ A proposed amendment is included with the Pre-Appeal Brief request. ☐ Other: 									
The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.									
2. Proceed to Board of Patent Appeals and Interferences — A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.									
☐ The panel has determined the status of the claim(s) is as follows: Claim(s) allowed:									
Claim(s) objected to: Claim(s) rejected: <u>13-19 under 35 U.S.C. 102(b) as being anticipated by Taylor (4,575,977)</u> . Claim(s) withdrawn from consideration:									
3. Allowable application – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.									
4. Reopen Prosecution – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.									
All participants:				Oli L					
(1) Peter M. Cuomo		(3) <u>Erika Gar</u>	rrett SH.	Peter M. Cuomo					
(2) <u>Carl Friedman</u> .		(4)		rvisory Patent Examiner chnology Center 3600					